TEXAS DEPARTMENT OF INSURANCE
Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)
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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name
TEXAS BONE & JOINT CENTER

Respondent Name
NATIONAL FIRE INSURANCE CO OF HARTFORD

MFDR Tracking Number
M4-16-1415-01

Carrier's Austin Representative
Box Number 47

MFDR Date Received
January 27, 2016

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: No position statement included.

Amount in Dispute: $4,917.40

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "As the HCP was untimely when filing both the reconsideration and the MDR, Carrier is requesting dismissal of this request.

Request for Relief

Carrier respectfully respects a Dismissal as this Medical Dispute was not properly submitted to the Carrier, nor properly submitted to the Texas Department of Insurance, Division of Workers' Compensation, Medical Fee Dispute Resolution in compliance with the Texas Labor Code and the Administrative Rules."

Response Submitted by: LAW OFFICES OF BRIAN J JUDIS

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
July 30, 2014	CPT Codes 82542-91 x 2, 82649, 82646, 82742, 83925, 83925-91 x 7, 80160, 82542, 80152, 80154, 83805, 80174, 83840, 82145, 82145-91 x 2, 82520, 83992, 80182, 80184, 82205 and 80104-QW	$4,917.40	$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:

- 1 – (150) Payer deems the information submitted does not support this level of service
- 2 – (P12) Workers' compensation jurisdictional fee schedule adjustment
- 3 – (W3) – Request for reconsideration
- 4 – (193) Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly
- 5 – (P4) Workers' Compensation claim adjudicated as non-compensable. This payer not liable for claim or service/treatment
- B13 – Previously paid. Payment for this claim/service may have been provided in a previous payment
- 247 – A payment or denial has already been recommended for this service

Issues

1. Did the requestor waive the right to medical fee dispute resolution?

Findings

1. 28 Texas Administrative Code §133.307(c)(1) states:

   Timeliness. A requestor shall timely file the request with the division's MFDR Section or waive the right to MFDR. The division shall deem a request to be filed on the date the MFDR Section receives the request. A decision by the MFDR Section that a request was not timely filed is not a dismissal and may be appealed pursuant to subsection (g) of this section.

   (A) A request for MFDR that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute.

   The date of the services in dispute is July 30, 2014. The request for medical fee dispute resolution was received in the Medical Fee Dispute Resolution (MFDR) Section on January 27, 2016. This date is later than one year after the date(s) of service in dispute. Review of the submitted documentation finds that the disputed services do not involve issues identified in §133.307(c)(1)(B). The Division concludes that the requestor has failed to timely file this dispute with the Division's MFDR Section; consequently, the requestor has waived the right to medical fee dispute resolution.

Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is $0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to $0.00 reimbursement for the disputed services.

Authorized Signature

Signature	Medical Fee Dispute Resolution Officer	2/24/16 Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012**.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.